

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2018-10

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF KATHLEEN LENGEL
FRONT YARD SETBACK
IMPERVIOUS LOT COVERAGE
VARIANCES
BLOCK 146.04 LOT 4.02
IN THE RA LOW DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

Decided:	September 6, 2018
Resolution Memorialized:	October 1, 2018

WHEREAS, Kathleen Lengel has made application to the Florence Township Zoning Board of Adjustment for front yard setback and impervious lot coverage variances to permit construction of a front porch, at a property located at 379 Bennett Street, and known on the official Tax Map of the Township of Florence as Block 146.04, Lot 4.02;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, upon a finding that proper mailed and published notice was given by the applicant, so that jurisdiction was proper in the Board, the Board opened the public hearing on the application at its September 6, 2018 regular meeting;

WHEREAS, Mrs. Lengel appeared before the Board *pro se*, was sworn, and offered her testimony in support of the application;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property located at 379 Bennett Street, and known on the official Tax Map of the Township of Florence as Block 146.04, Lot 4.02, and therefore has standing to bring this application before the Board.
2. Application has been made for a front yard setback variance to allow construction of a new 20 ft. x 8 ft. front porch on the existing single-family dwelling that would be only 16.5 ft. from the right of way line of Bennett Street when a setback of 25 ft. is required and a setback of 24.4 ft. exists. As amended in the course of the public hearing, the applicant also requests an impervious lot coverage variance to allow the house and accessory improvements to cover up to 30% of the total lot area of the property when 25% covered is allowed and 28% exists.
3. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
4. The applicant has submitted the following documents in support of its application
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
 - c. A Township of Florence Tax Collector's Certification that no taxes were due on the subject property at the time of the application;
 - d. A Township of Florence Zoning Officer's Certification that variance relief is required;
 - e. A series of photographs of the subject and nearby properties
 - f. A survey plan prepared by Robert R. Stout, PLS, PE, dated 8/20/18 entitled "Plan of Proposed Improvements" , which shows the property outbounds, and the locations of existing and proposed improvements.
5. The Board's Engineer, Hugh Dougherty, PE, CME, of the Pennoni Associates, submitted a review letter commenting upon the application dated August 29, 2018, which is hereby incorporated into the record.

6. The existing concrete walkway and step at the front of the dwelling is to remain underneath of the proposed new porch, so not all of the area of the new porch is new impervious cover.
7. The subject property is an existing undersized lot of 8,855 sq. ft. when a conforming lot would be 10,000 sq. ft.
8. Bennet Street is a “dead end” or cul de sac and the subject property is the last on its side of the street, and the nearby properties have differing setbacks from Bennett Street.
9. Based upon the testimony of the applicant, which the Board accepts as credible, numerous other properties in the neighborhood have similar or lesser setbacks and intensities of improvement, and there are no existing problems with runoff on the subject or adjoining properties.
10. The Board Engineer concurred that the proposed grading will maintain existing flow patterns and does not appear to present any significant issues.
11. Public comment was offered concerning the application by Mr. Lengel.

Conclusions of Law:

The Board finds that the proposed front yard setback, and impervious lot coverage variances can be granted pursuant to NJSA 40:55D-70(c)(1), because the subject property is undersized, the location of the existing dwelling would preclude construction of a front porch without variance relief, and strict adherence to the ordinance impervious coverage standard would preclude any further improvement of the property. Since there are varying setbacks already for nearby properties, there is not a through block to afford view of block-long regular setbacks, and there are no existing runoff issues, grant of the requested variances would create minimal detriments to the public good. The proposed variances will merely allow for development that is consistent with nearby properties. The proposed deviations do not create any substantial detriments to the public good or zone plan. Therefore, the Board finds it appropriate, subject to appropriate conditions, to grant the requested variances.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of Kathleen Lengel seeking front yard setback and impervious lot coverage variances to permit construction of a front porch, at a property located at 379 Bennett Street, and known on the official Tax Map of the Township of Florence as Block 146.04, Lot 4.02, be, and hereby is, **APPROVED**, subject to the following conditions:

1. No additional stormwater shall be directed toward adjoining properties as a result of the proposed development.
2. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to the Uniform Construction Code;
3. All taxes and escrow fees for professional review must be paid current and in full.
4. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within one year of the date hereof, this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE APPLICATION:

Moved by : Lutz
Seconded by : Puccio
In Favor : Buddenbaum, Cartier, Lutz, Drangula, Patel, Sovak, Zekas,
Opposed : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Lutz
Seconded by : Buddenbaum
In Favor : Lutz, Buddenbaum, Cartier, Drangula, Patel, Sovak, Zekas
Opposed : None
Abstained : None
Absent : None

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 10/1/2018

B. Michael Zekas
B. Michael Zekas, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on October 1, 2018 and memorializes a decision taken by the Board on September 6, 2018.

Dated: 10/01/2018 Larry Lutz
Larry Lutz, Secretary